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Attorneys for Defendants Lars Windhorst,  
Peter A. Ogrisek, Robert B. Hersov and  
Sapinda International Ltd.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALKI PARTNERS, L.P. and ALKI FUND, LTD., :  
:

Plaintiffs, :  
:

-against- :  
:

VATAS HOLDING GMBH, LARS :  
WINDHORST, PETER A. OGRISEK, SAPINDA :  
INTERNATIONAL LTD., ROBERT B. HERSOV, :  
CREDIT SUISSE GROUP AG, and FREDERIC :  
RUIZ, :  
:

Defendants. :  
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09 CIV 8125 (DAB)

**DECLARATION OF  
CHRISTOPHER ALLEGAERT**

Christopher Allegaert, a member of the bar of this Court, declares as follows:

1. I am a partner of Allegaert Berger & Vogel LLP, counsel to defendants Lars Windhorst, Peter A. Ogrisek, Robert B. Hersov and Sapinda International Ltd. (together, the "Moving Defendants"). I make this declaration in support of the Moving Defendants' motion to dismiss plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(6) and 9(b).

2. Attached hereto as Exhibit 1 is a "HEADS OF TERMS FOR SETTLEMENT" executed on or about February 28, 2008 by Vatas Holding GmbH ("Vatas"),

Alki Capital Management, LLC ("Alki Capital"), Alki Partners LP ("Alki Partners") and Alki Fund Ltd. ("Alki Fund"), provided to me by our clients.

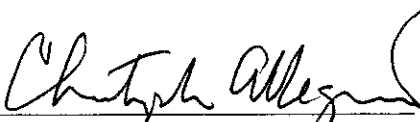
3. Attached hereto as Exhibit 2 is a "HEADS OF TERMS FOR SETTLEMENT" executed on or about May 9, 2008 by Vatas, Alki Capital, Alki Partners and Alki Fund, provided to me by our clients.

4. Attached hereto as Exhibit 3 is a "PURCHASE AND SETTLEMENT AGREEMENT" executed on or about June 10, 2008 by Vatas, Alki Capital, Alki Partners and Alki Fund, provided to me by our clients.

5. Attached hereto as Exhibit 4 is a copy of the decision dated March 31, 2009, by the insolvency court in Berlin-Charlottenberg, Republic of Germany, to open an insolvency proceeding, No. 36v IN 264/09, regarding VATAS Holding GmbH (the "Decision"). The Decision appoints Rüdiger Wienberg, Esq. to serve as the insolvency administrator and advises potential creditors of VATAS to file claims in the insolvency proceeding by June 26, 2009.<sup>1</sup>

Pursuant to 28 U. S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 5, 2010

  
Christopher Allegaert

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<sup>1</sup> A certified translation of the German court's decision will be filed with this Court shortly.